

Message Text

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ACTION EUR-12

INFO OCT-01 ISO-00 ACDA-12 AGRE-00 AID-05 CEA-01
CEQ-01 CG-00 CIAE-00 COME-00 DLOS-09 DODE-00
DOTE-00 EB-08 EPA-01 SOE-02 DOE-11 FMC-01 TRSE-00
H-01 INR-07 INT-05 IO-13 JUSE-00 L-03 NSAE-00
NSC-05 NSF-01 OES-07 OMB-01 PA-01 PM-05 PRS-01
SP-02 SS-15 USIA-06 /137 W

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FM AMEMBASSY OSLO

TO SECSTATE WASHDC 5110

INFO AMEMBASSY BONN

AMEMBASSY COPENHAGEN

AMEMBASSY HELSINKI

AMEMBASSY MOSCOW

AMEMBASSY LONDON

AMEMBASSY PARIS

AMEMBASSY REYKJAVIK

AMEMBASSY STOCKHOLM

USMISSION USNATO

USNMR SHAPE

C O N F I D E N T I A L SECTION 1 OF 2 OSLO 0362

E.O. 11652: GDS

TAGS: EFIS, UR, NO PBOR

SUBJECT: BRIEFING ON RECENT GREY ZONE DEVELOPMENTS

REF: A) OSLO 0217, B) OSLO 0206

1. LOS MINISTER JENS EVENSEN BRIEFED THE NATO CHIEFS OF MISSION
IN OSLO ON JANUARY 18 ON A) THE GREY ZONE AGREEMENT SIGNED
LAST WEEK, B) THE ISHKOV VISIT, AND C) THE SVALBARD FISHERIES
PROTECTION ZONE (FPZ). IN SUBSTANCE THE BRIEFING COVERED
THE POINTS REPORTED REFTELS; WHAT MADE THE BRIEFING INTERESTING
WAS EVENSEN'S INTERPRETATION OF THESE EVENTS.

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2. SPEAKING FIRST ON WHAT HE TERMED THE QUOTE INCORRECTLY
CALLED UNQUOTE GREY ZONE, EVENSEN STRESSED THAT HE SAW THE
AGREEMENT AS A TEMPORARY SOLUTION TO A STRICTLY FISHERIES
PROBLEM. HE NOTED THAT THE INFORMAL AND LIMITED NATURE OF
THE AGREEMENT -- LIMITED BOTH IN THIME AND SCOPE -- IS UNDER-
SCORED BY THE FACT THAT IT IS IN THE FORM OF AN EXCHANGE

OF LETTERS RATHER THAN A TREATY. HE ADDED THAT THE IDENTICAL DECLARATIONS MADE BY BOTH PARTIES AT THE TIME OF THE AGREEMENT'S SIGNING REITERATED ITS TEMPORARY NATURE, THAT BOTH SIDES WILL EXPEDITE NEGOTIATIONS ON THE BOUNDARY QUESTION, AND THAT THE AGREEMENT SHOULD NOT PREJUDICE EITHER PARTY'S POSITION.

3. EVENSEN ALSO REFERRED TO WHAT HE TERMED THE QUOTE BLOWN UP INCIDENT SURROUNDING THE LAST PARAGRAPH UNQUOTE OF THE DECLARATION. HE SAID THAT HE WAS CONVINCED THE RUSSIAN TRANSLATION OF THE TERM QUOTE MARITIME ZONES UNQUOTE AS FISHERIES LIMIT WAS AN OVERSIGHT, AND ADDED THAT THIS WAS NOT A QUESTION OF GREAT IMPORTANCE. EVENSEN SAID THAT HE BELIEVED THAT ISHKOV WANTED THE REFERENCE IN THE DECLARATION TO BE LIMITED TO FISHERIES MATTERS SO AS NOT TO PREJUDICE THE DIVISION OF LABOR BETWEEN THE SOVIET FOREIGN AND FISHERIES MINISTERIES. IN A LATER QUESTION, EVENSEN WAS ASKED HOW HE RECONCILED ISHKOV'S APPARENT UNWILLINGNESS TO DISCUSS ANYTHING BUT FISHERIES QUESTIONS WITH HIS READINESS TO SIGN THE EXCHANGE OF LETTERS IN WHICH THE CONTINENTAL SHELF AND OTHER NON-FISHERIES MATTERS ARE EXPLICITLY ADDRESSED. EVENSEN REPLIED THAT ISHKOV DID NOT DIRECTLY REFER TO A DISPUTE OVER COMPETENCE, BUT DID SAY THAT THE REFERNECE TO FISHERIES LIMITS HAD BEEN VETTED WITHIN THE SOVIET GOVERNMENT AND ISHKOV SAID HE HAD NO AUTHORITY TO CHANGE IT. EVENSEN ALSO SAID THAT NEITHER ISHKOV NOR

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HE HAD AUTHORITY TO DISCUSS THE CONTINENTAL SHELF, ADDING THAT THESE ISSUES HAVE BEEN DISCUSSED AT THE OFFICIAL LEVEL AND IN HIS VIEW THE TIME HAS NOT COME TO RAISE THE BOUNDARY TALKS TO A POLITICAL LEVEL.

4. EVENSEN GAVE GREAT STRESS TO THE BENEFITS OF THE GREY ZONE AGREEMENT TO THIRD PARTY FISHERMEN. ALTHOUGH THE EC AMBASSADORS PRESENT ALL KNEW THIS, HE EXPLAINED AT SOME LENGTH THAT THE AGREEMENT PERMITS THIRD COUNTRY FISHING LICENSES TO BE ISSUED IN EITHER NORWAY OR THE SOVIET UNION (THUS PERMITTING EC FISHING IN SOVIET WATERS AND THE GREY ZONE, WHICH HAS BEEN SUSPENDED DUE TO THE EC FAILURE TO REACH AN ACCORD ON FISHING WITH THE SOVIETS). EVENSEN ALSO NOTED THAT IMPLEMENTING PROVISIONS ARE EXPECTED TO BE DRAWN UP BY FEBRUARY 1. THESE PROVISIONS WILL BE BASICALLY THE SAME AS THOSE IN FORCE ELSEWHERE IN THE NORWEGIAN 200 MILE ZONE.

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THE GON MAY BEGIN ISSUING THIRD COUNTRY LICENSES AS SOON AS
THE IMPLEMENTING REGULATIONS HAVE BEEN COMPLETED. HOWEVER,
FORMAL APPROVAL OF THE AGREEMENT BY THE STORTING IS NOT EXPECTED
UNTIL THE THIRD OR FOURTH WEEK IN FEBRUARY.

5. EVENSEN THEN TURNED TO OTHER ASPECTS OF THE ISHKOV
VISIT, NOTING IN PARTICULAR THAT WHILE HE AND ISHKOV HAD NOT
DISCUSSED THE FPZ, HE HAD SHOWN ISHKOV A CHART (POUCHED TO
EUR/NE) SETTING OUT POSSIBLE CONFLICTS BETWEEN A 200-MILE
ECONOMIC ZONE PROJECTING FROM NOVAYA ZEMLYA AND FRANZ JOSEPH
ISLAND AND THE 200-MILE FPZ AROUND SVALBARD. (ACCORDING
TO THE GON THE SOVIET ECONOMIC ZONE DECLARATION INCLUDES THE
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MAINLAND AND THE ISLAND; UNTIL BASELINES ARE DRAWN, HOWEVER,
THE EXACT BOUNDARIES ARE NOT CLEAR). HE SAID THAT HE HAD
POINTED OUT TO ISHKOV HOW THE LINES INTERSECT AND QUOTE
RAISE INTERESTING ISSUES FOR THE PARTIES TO SOLVE. UNQUOTE
EVENSEN SAID THAT BOTH SIDES HAD WANTED MORE TIME TO PREPARE

BEFORE DISCUSSING THESE INTERESTING ISSUES, BUT HE WOULD VISIT MOSCOW BEGINNING MARCH 13 FOR A WEEK OF OPENING DISCUSSIONS.

6. EVENSEN THEN SAID NORWAY WANTED TO HAVE DISCUSSIONS WITH CERTAIN WESTERN ALLIES (HE WOULD HEAD A TEAM TO GO INITIALLY TO BONN, JANUARY 31; BRUSSELS, FEBRUARY 1; LONDON, FEBRUARY 2; PARIS, FEBRUARY -- AND THEN WASHINGTON IN CONJUNCTION WITH HIS UPCOMING -- FEBRUARY 5 -- VISIT TO NEW YORK). EVENSEN SAID HE FORESAW TWO SPECIFIC TOPICS FOR SUCH DISCUSSIONS: A) AN EXPLANATION OF NORWAY'S THOUGHTS ON THE FPZ, INCLUDING A REVIEW OF POSSIBLE NON-DISCRIMINATORY MEASURES WHICH THE GON WOULD CARRY OUT AND; B) LOS ISSUES.

7. COMMENT: WHEN EVENSEN GOES TO MOSCOW IN MARCH HIS FIRST ORDER OF BUSINESS WILL BE TO WORK OUT SOME SORT OF REGIME TO REGULATE THE COD BREEDING GROUNDS (LARGELY IN THE WESTERN HALF OF THE FPZ). THE SOVIETS HAVE CATEGORICALLY REJECTED NORWAY'S RIGHT TO ESTABLISH AN FPZ AND HAVE TOLD THE GON THAT NORWEGIAN INSPECTION OF SOVIET FISHING VESSELS IN THE FPZ IS NOT ACCEPTABLE. AS REPORTED, ONE WAY AROUND THE SOVIET OBJECTION MIGHT BE TO DESIGN THE GON'S FPZ REGIME SO THAT IT CONFORMS WITH NEAFC REGULATIONS (USING NORWEGIAN FISHERIES VESSELS FOR INSPECTIONS). ANOTHER POSSIBILITY MAY BE THAT THE SOVIETS WILL TRY TO OBTAIN JOINT INSPECTION RIGHTS WITH NORWAY IN THE FPZ, A BILATERAL SOLUTION THAT SHOULD INTEREST THEM, BUT WHICH MIGHT CONSTITUTE A CONDOMINIUM TO A FISHERIES PROTECTION REGIME OF ANY SORT
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AROUND SVALBARD HE MUST THEN DISCUSS WHERE THAT REGIME WILL APPLY. ALTHOUGH EVENSEN DENIES THAT HE WILL ADDRESS BOUNDARIES IN MOSCOW, THE SVALBARD FISHING SEASON STARTS IN EARLY APRIL AND DOMESTIC PRESSURE ON THE GON TO TAKE STEPS TO PROTECT THE COD BREEDING GROUNDS ON WHICH NORWEGIAN FISHERMEN DEPEND IS ALREADY BEGINNING TO BE FELT. AT THE POINT THAT THE FPZ'S AREA OF COVERAGE IS RAISED -- GIVEN EVENSEN'S CHART AND THE QUOTE INTERESTING ISSUES UNQUOTE IT RAISES -- DECISIONS WILL BE CALLED FOR THAT MUST HAVE IMPLICATIONS FOR BOUNDARIES IN WHICH THE USG HAS A DIRECT INTEREST. WHEN EVENSEN VISITS WASHINGTON IN FEBRUARY WE BELIEVE IT WOULD BE USEFUL TO REITERATE OUR CONCERNS ABOUT THE BOUNDARY ISSUES AND OUR RIGHTS AS A TREATY SIGNATORY AND ASK HIM TO ELABORATE ON HIS PLANS FOR PROCEEDING. GIVEN THEIR IMPORTANCE AND OUR DIRECT INTEREST, WE WILL PROVIDE FURTHER ANALYSIS OF THESE ISSUES BEFORE EVENSEN'S VISIT TO WASHINGTON.
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